

From: Ken Curtis
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 4:59pm
Subject: Microsoft Settlement

I am writing to express my extreme displeasure with the conditions of the Microsoft Settlement.

Specifically, three sections are lacking:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional 'white box' OEMs, if they offer competing products.

Section III.B. also allows Microsoft to offer unspecified Market Development Allowances -- in effect, discounts -- to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

Additionally, Microsoft has continuously acted in a manner contrary to both the law and previous settlements/court agreements. I strongly urge the Department of Justice and the Courts to enforce a much stricter settlement with Microsoft.

Sincerely,

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